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SUBJECT: NIGERIAN SUPREME COURT TIMELINE -- PRESIDENTIAL  
ELECTION CHALLENGE

REF: LAGOS 376

Classified By: Acting Political Counselor Cheryl Fernandes for reasons  
1.4. (b & d).

¶1. (U) The Supreme Court held preliminary hearings on September 25 for the appeals filed by the Action Congress (AC) candidate, former Vice President Atiku Abubakar, and the All Nigeria Peoples' Party (ANPP) candidate, former Head of State General Muhammadu Buahri, against the February 26 Appeals Court ruling upholding the 2007 Presidential election.

¶2. (SBU) Buba Galadima, Secretary of the ANPP's National Campaigns, told Poloff that all of the motions were brought forward to the court and it was determined that the main case will be heard on October 23. Galadima said Chief Justice Idris Legbo Kutigi will allow each lawyer one hour to present their cases on Oct. 23. After hearing the cases the seven justices will likely set a date for the delivery of their decision and will then recess to deliberate, or they could possibly give their decision that same day. However, there is no specific deadline for the court to make a decision. The Court could also come back and ask for additional information. Still, Galadima said that he does not expect that the Court's decision will lag beyond November. Alhaji Zango, a close confidant of former Vice President Atiku, said he expects the justices to act quickly and hopes that a decision will be made before the end of the year.

¶3. (C) Comment: Both Galadima and Zango clearly have higher expectations than Kwara State Governor Bukola Saraki. Saraki told the Ambassador on September 22 that he did not expect the Supreme Court to make a decision until January 2009. (See reftel.) In addition there is a sense in the North, and in Abuja in particular, that the Supreme Court's odds of overturning the election are about 50-50, but leaning more toward overturning the 2007 Presidential Election than they had earlier in the year due to President Yar'Adua's health issues. End comment.

¶4. (U) This cable has been coordinated with Consulate Lagos.  
SANDERS